

April 27, 2018

The Honorable J. Paul Oetken
United States District Judge
40 Foley Square
New York, N.Y. 10007



*Re: United States v. Any and All Roosters and Hens Seized On or
About May 23, 2017 from 751 Whitney Road, Ontario, NY 14519
and Any Progeny Thereof*
17 Civ. 5718 (JPO)

Dear Judge Oetken:

My wife and I are the owners of 751 Whitney Road in Ontario, New York, and all of the roosters and hens seized from there last year by the government.

About one week ago, I received, for the first time, a copy of Mr. McGinnis' papers, dated April 6 and addressed to Andrew Karpf, my criminal defense attorney. ECF ##9-1, 7, 8. I am not clear why the letter was addressed and sent to Mr. Karpf and not to me, as he told me last week that he never appeared in the case. In any event, prior to last week, I had no knowledge of this or any civil action being commenced against my property and my show birds. When I asked Mr. Karpf about this last week, he said that he did not do civil cases and that I would have to find myself another attorney to help me with this case.

As you will note, Mr. McGinnis' cover sheet to Mr. Karpf states, in capital letters, that

**"IF YOU DO NOT ENTER AN APPEARANCE IN THE LAWSUIT ON
OR BEFORE APRIL 30, THE COURT WILL ENTER A DEFAULT
JUDGMENT AGAINST YOU."**

ECF #9-1.

The date, April 30, is in bold letters and in capital letters. I was informed that I had until April 30 to respond to Mr. McGinnis' papers.

I am in the process of finding an attorney to assist me in this civil forfeiture matter.

The Honorable J. Paul Oetken

-2-

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So, yesterday, Mr. Karpf emailed Mr. McGinnis requesting an extension for me to file papers in response to Mr. McGinnis' motion. Mr. Karpf received an email from Mr. McGinnis, saying in part:

"Finally, we received your request to adjourn the deadline for Mr. Carrano to oppose the motion for default judgment. On April 20, 2018, the Court ordered a Judgement of Default. Accordingly, there is no operative deadline in the matter for which we can consent."

I do not understand how an order could be signed ten days before one of the parties has to appear in the case and respond to the papers. It is possible that Mr. Karpf did not understand the letter and is mistaken about the response date, even though that date is in bold capital letters. I am also informed that Your Honor's order was entered on April 24, 2018.

When my wife and I were allowed to view our birds last, in September 2017, at least a dozen of our show birds and chicks had already died while in the government's custody. I dread what that number is now.

I respectfully request that Your Honor declare the Judgment void or at least immediately stay the order to kill and destroy my show birds and allow me the opportunity to retain an attorney and respond to Mr. McGinnis' motion by June 8, 2018.

Thank you.

Sincerely,



Thomas Carrano
751 Whitney Road
Ontario, N.Y. 14519

cc: Mr. Michael McGinnis
Mr. Andrew Karpf